

Message Text

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ACTION DLOS-04

INFO OCT-01 EA-07 IO-10 ISO-00 ACDA-05 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 USIA-06 /111 W

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P 110925Z SEP 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 3214

USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L SECTION 1 OF 2 TOKYO 12778

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LAW OF SEA: NEW YORK GROUP OF FIVE MEETING

THERE FOLLOWS GOJ PROPOSED AMENDMENTS TO COMMITTEE II
NEGOTIATING NTEXT. FOREIGN MINISTRY NOTES THESE AMENDMENTS
HAVE NOT YET RECEIVED FINAL INTER-MINISTERIAL CLEARANCE.

BEGIN TEXT:

AMENDMENTS PROPOSED BY THE JAPANESE DELEGATION
FOR DISCUSSION WITHIN THE GROUP OF FIVE (PART II).

ARTICLE 16 DELETE PARAGRAPH 2 (1)

ARTICLE 19 DELETE PARAGRAPH 2

REPLACE PARAGRAPH 4 BY THE FOLLOWING:

4. IN THE DESIGNATION OF SEALANDES AND THE PRESCRIPTION OF
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TRAFFIC SEPARATION SCHEMES UNDER THE PROVISIONS OF THIS ARTICLE,
A COASTAL STATE SHALL:

(A) RESPECT THE RECOMMENDATIONS OF COMPETENT INTERNATIONAL
ORGANIZATIONS; AND

(B) TAKE INTO ACCOUNT ANY CHANNELS CUSTOMARY USED FOR
INTERNATIONAL NAVIGATION AND
THE SPECIAL CHARACTERISTICS OF CHANNELS.

ARTICLE 41 ADD THE FOLLOWING PARAGRAPH AS
PARAGRAPH 6. IF IN THE APPLICATION
OF ITS LAWS AND REGULATIONS, A
STRAIT STATE ACTS IN A MANNER
CONTRARY TO THE PROVISION OF THIS
PART AND LOSS OR DAMAGE RESULTS
TO ANY FOREIGN SHIP OR AIRCRAFT
EXERCISING THE RIGHT OF TRANSIT
PASSAGE THROUGH OR OVER STRAITS, THE
STRAIT STATE SHALL COMPENSATE THE
OWNERS OF SUCH SHIP OR AIRCRAFT FOR
THAT LOSS OR DAMAGE.

ARTICLE 45 AMEND SUBPARAGRAPHS (B) AND (C)
OF PARAGRAPH 1 TO READ AS FOLLOWS,
AND ACCORDINGLY, DELETE (D):

(B) JURISDICTION AS PROVIDED
FOR IN THIS CONVENTION WITH REGARD TO:

(I) THE ESTABLISHMENT AND USE OF ARTIFICIAL ISLANDS,
INSTALLATIONS AND STRUCTURES;

(II) SCIENTIFIC RESEARCH; AND

(III) THE PRESERVATION OF THE MARINE ENVIRONMENT,
INCLUDING POLLUTION CONTROL AND ABATEMENT;

(C) JURISDICTION WITH REGARD TO OTHER ACTIVITIES FOR THE
ECONOMIC EXPLORATION AND EXPLOITATION OF THE ZONE, SUCH AS THE
PRODUCTION OF ENERGY FROM THE WATER,
CURRENTS AND WINDS.

ARTICLE 47 ADD AT THE END OF PARAGRAPH 1 THE
FOLLOWING SENTENCE: "AND SHALL HAVE
OTHER RIGHTS AND DUTIES PROVIDED FOR IN THIS
CONVENTION."
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ARTICLE 48.1.(B) DELETE "AND OTHER ECONOMIC PURPOSES"

ARTICLE 48.1.(C) DELETE THE WORD "MAY"

ARTICLE 49 DELETE

ARTICLE 50.2. REPLACE THE SECOND SENTENCE BY THE FOLLOWING:
THE COASTAL STATE SHALL COOPERATE WITH APPROPRIATE
REGIONAL AND GLOBAL ORGANIZATIONS TO THIS END.

ARTICLE 50.3. INSERT AFTER "SUCH MEASURES"
"INCLUDING THE DETERMINATION OF ALLOWABLE CATCH."

ARTICLE 51.4 DELETE ALL AFTER "AND MAY RELATE INTER ALIA TO
THE FOLLOWING" TO SUB-PARAGRAPH (K) "ENFORCEMENT PROCEDURES"

ARTICLE 52.2. REPLACE BY THE FOLLOWING:

NEIGHBOURING COASTAL STATES OF THE
SAME REGION SHALL NEGOTIATE REGIONAL
OR SUBREGIONAL ARRANGEMENTS TO RESOLVE,
ON AN EQUITABLE BASIS, THE PROBLEMS
ARISING FROM THE ESTABLISHMENT OF
ECONOMIC ZONES AFFECTING TRADITIONAL
FISHING. THESE ARRANGEMENTS SHALL
TAKE INTO ACCOUNT ALL RELEVANT
ECONOMIC FACTORS AND GEOGRAPHIC
CONDITIONS, INTER ALIA, THE DEGREE
OF DEPENDENCE OF FISHERIES OF CERTAIN STATE
OR REGIONS OF SUCH STATES.

ARTICLE 53.1. REPLACE "THE HIGHLY MIGRATORY SPECIES
LISTED IN THE ANNEX" BY THE FOLLOWING:
"THE HIGHLY MIGRATORY STOCKS WHICH ARE UTILIZED ON A REGIONAL OR
WORLD-WIDE BASIS INCLUDING TUNAS AND CETACEANS."

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CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01 COME-00

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C O N F I D E N T I A L SECTION 2 OF 2 TOKYO 12778

ARTICLE 53.3 DELETE WHOLE PARAGRAPH OR FAILING THAT:

(I) DELETE THE WORDS "PROHIBIT"

AND "LIMIT" FROM "PROHIBIT, REGULATE AND LIMIT",

AND

(II) REPLACE "PROTECTION AND MANAGEMENT" BY "CONSERVATION AND RATIONAL UTILIZATION."

ARTICLE 56 DELETE

ARTICLE 60 (1) PARAGRAPH 2;
DELETE "SHALL BE PROMPTLY RELEASED" AND INSERT INSTEAD "SHALL BE RELEASED AS SOON AS THE MINIMUM PERIOD ESSENTIAL FOR INVESTAGATIVE PURPOSES IS OVER."

(2) ADD THE FOLLOWING PARAGRAPH
AS PARAGRAPH 5.

THE FOREGOING PROVISIONS SHALL
NOT BE CONSTRUED AS PREVENTING THE
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COASTAL STATE FROM CONCLUDING AN
AGREEMENT WITH OTHER STATES WHEREBY THE
EXERCISE OF ENFORCEMENT JURIS-
DICTION SET OUT IN THIS ARTICLE MAY
BE RESERVED TO THE STATE OF REGISTRY
OF THE VESSEL.

ARTICLE 107 SEE ARTICLE 53 OF OUR AMENDMENTS.

ARTICLE 122 REPLACE BY THE FOLLOWING:

WITHOUT PREJUDICE TO THE PROVISIONS
OF ARTICLE ... (NAVIGATION), LOGNSTANDING
INTERESTS OF OTHER COUNTRIES IN THE USE OF
THE ARCHIPELAGIC WATERS, IN PARTICULAR,
THE TRADITONAL RIGHTS OF THE NEIGHBOURING
COUNTRIES, SUCH AS THOSE CONCERNING
FISHERIES, AND THE LAYING AND MAINTENANCE
OF SUBMARINE CABLES AND PIPELINES SHALL
BE REGOGNIZED BY THE ARCHIPELAGIC
STATES. THE MODALITIES FOR THE
IMPLEMENTATION OF THIS PRINCIPLE SHALL
BE REGULATED BY BILATERAL AGREEMENTS
BETWEEN THE STATES CONCERNED.

ARTICLE 124. 2. REPLACE BY THE FOLLOWING:

2. ALL SHIPS AND AIRCRAFT ENJOY THE
RIGHT OF ARCHIPELAGIC SEALANES PASSAGE,
WHICH SHALL NOT BE IMPEDED.

ARTICLE 124.3. REPLACE BY THE FOLLOWING:
ARCHIPELAGIC SEALNAES PASSAGE
IS THE EXERCISE IN ACCORDNCE WITH
PROVISIONS OF THE PRESENT CON-
VENTION OF THE FREEDOM OF NAVIGATION

AND OVERGLIGHT SOLELY FOR THE PURPOSE
OF CONTINUOUS AND EXPEDITIOUS TRANSIT
THROUGH AN ARCHIPELAGO BETWEEN ONE
PART OF THE HIGH SEAS BEGIN BRACKETS OR AN EXCLUSIVE
ECONOMIC ZONE END BRACKETS AND ANOTHER PART OF THE HIGHT SEAS
BEGIN BRACKETS OR AN EXCLUSIVE ECONOMIC ZONE. END BRACKETS
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ARTICLE 129 ADD THE FOLLOWING PARAGRAPH:

IF IN THE APPLICATION OF ITS LAWS
AND REGULATIONS, AN ARCHIPELAGIC STATE
ACTS IN A MANNER CONTRARY TO THE
PROVISIONS OF THIS PART AND LOSS OR
DAMAGE RESULTS TO ANY FOREIGN SHIP
OR AIRCRAFT EXERCIESING THE RIGHT OF
ARCHIPELAGIC SEALANES PASSAGE IN
SEALANES AND AIR ROUTES THROUGH THE
ARCHIPELAGO, THE ARCHIPELAGIC STATE
SHALL COMPENSATE THE OWNERS OF SUCH
SHIP OR AIRCRAFT FOR THAT LOSS OR DAMAGE.

ARTICLE 131 DELETE

ARTICLE 132.3. DELETE
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<< END OF DOCUMENT >>

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